IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE ELEVENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 14167 of 2004

Between:

Gullapudi Suryaprakas Rao, S/o Narayana, Hindu,
r/o Veerisettivarigudem, Kamavarapukota Mandal,
West Godavari District.

..... PETITIONER

AND

1 The District Civil Supply Officer, West Godavari at Eluru.
2 The Station House Officer, Tadikalapudi Police Station,
Tadikalapudi, West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus or any other appropriate writ, declaring the action of the respondents in seizing the rice of 224-85 Quintals (450 Bags) as illegal arbitrary and against the principle of natural justice and consequentially direct the respondents to release the seized rice of 450 bags in favour of the petitioner

Counsel for the Petitioner: MR.B.P.RAJU

Counsel for the Respondent No.: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following :

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ORDER :

The petitioner seeks a Writ of Mandamus declaring the action of the respondents in seizing 450 bags of rice as arbitrary and illegal.

Admittedly, the enquiry initiated under Section 6-A of the Essential Commodities Act, 1955 (for short 'the Act') is pending before the first respondent and it is open to the petitioners to raise all the objections with regard to validity of seizure before the said authority.

However, learned counsel for the petitioner states that the seized rice is going to be auctioned on 13.08.2004 and if the sale is permitted to go on even before concluding the enquiry, the petitioner would stand to suffer irreparable injury.

Having regard to the facts and circumstances, the writ petition is disposed of granting liberty to the petitioner to raise all the objections before the first respondent with regard to the validity of the seizure in question. There shall be a direction to the first respondent to complete the enquiry as expeditiously as possible preferably within a period of three months from the date of receipt of this order and a further direction not to auction the seized rice till the said enquiry under Section 6-A of the Act, is completed.

The Writ Petition is accordingly disposed of granting liberty to the petitioner to raise all the objections before the 1st respondent and with a further direction to the respondents not to auction the seized rice till the enquiry under Section 6-A of the Essential Commodities Act, 1955 is completed.

11th August, 2004.

Klp/Bcj

To

1 The District Civil Supply Officer, West Godavari at Eluru.
2 The Station House Officer, Tadikalapudi Police Station,
Tadikalapudi, West Godavari District.

3 2CCs to G.P. for Civil Supplies, High Court buildings,

Hyderabad.(OUT)

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